Less Than Slaves, Reviewed by John H. E. Fried

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Less Than Slaves, By Benjamin B. Ferencz. Cambridge and London: Harvard University Press, 1979. Pp. xxii, 249. Index.

As Telford Taylor says in his impressive foreword, this is a "moving, melancholy and altogether unique" book. It deals with a little known but major aspect of the Third Reich's final solution to the Jewish question: the massive renting out to the German war industry of inmates of Auschwitz and other concentration camps who were considered capable of work, but deliberately expendable (if exhausted, they could be sent to the extermination facilities). Their wages went to Himmler's SS Administration but were much below normal, so that the employers also profited. During the month of December 1944 the labor of prisoners (men and women alike) allocated by the Buchenwald camp alone to over 70 armament plants amounted to 1,347,633 11-hour workdays, yielding claims for the SS of 5,812, 011.85 marks. **[1]**

The program became known as "death through work." Only a minority of its victims survived.

During the early postwar years, some individual survivors – now widely dispersed – tried in vain to obtain compensation. In 1951, US Jewish organizations set up a special agency, the Conference of Jewish Material Claims Against Germany, with offices in New York and Frankfurt and eventually correspondents in various countries, to help those persons that could still be reached with their claims. For over 20 years, the author, a former senior Nuremberg prosecutor, held a leading position in the Conference. The bulk of his book describes the hitherto virtually unknown history of its efforts.

The Conference's goal seemed unassailable. The claimants wanted back pay. They had done unpaid forced work under harrowing conditions, which had been overwhelmingly established by the International Nuremberg tribunal (case against *Goering et al.)* and the American Nuremberg Tribunals in the three "industrial" (*Flick; I. G. Farben; Kruppo*) and "Concentration Camps" cases.

But court litigation held no promise. In one of the few favorable decisions not overturned on appeal, the Brunswick district court, after 8 years of litigation, allotted a survivor, pursuant to postwar currency reform, 10 pfenning per hour for 1,778 hours worked for the Buessing army truck manufacturers, that is, DM 177.80, or $44.45 (pp. 172-73). On March 17, 1964, a decision of the Federal Supreme Court closed the courts to non-German claimants altogether. It ended a 6-year litigation on behalf of Rachel B., who at age 11 was assigned from Auschwitz, where the rest of her family was gassed, to a Rheinmetall arms plant.

Such use of a foreign national (she was Czech) "went beyond the permissible boundaries of international law," but since it resulted from governmental war planning, such claims "could only be dealt with in a final peace treaty" (p. 132), which never came. On June 22, 1967, another ruling of the Court precluded success for German nationals, too: it rejected the claim of the non-Jewish lawyer Dr. Edmund Bartl, who was almost blind as a result of working as a welder for 24 months without goggles at a Heinkel airplane manufacturing plant. Since he was German, the statute of limitation applied, but it had run out long before he filed suit in 1959 (pp. 174-77).

There remained only negotiations. In these, the Conference had to avoid disturbing American-Bonn-Israeli relations and to contend with the close ties between American and German big business and high finance. It shunned publicity. It stressed humanitarian rather than legal considerations. It asked nothing for heirs of victims who had died during or since the war. It obtained interventions from prominent Americans and Germans named in the book. Yet, intermittent meetings on both sides of the ocean, laboriously prepared, ended inconclusively. Farfetched demands for ever new, virtually unobtainable proof would cause years of delay. There were scurrilous episodes. For instance, a retired US Brigadier-General and past commander of the Jewish War Veterans, acting as lobbyist for one of the largest former users of concentration camp labor, violently attacked the Conference's claims against his client as a "naked threat" to undermine the client's $50 million contract with the Pentagon for automatic guns.

But the corporations' basic argument was much more fundamental; in sum, they asserted that "German industry's participation in the forced labor program was neither criminal nor blameworthy," because they acted in response to an emergency or duress for the Reich's (danger of defeat, or need to take "acts of military and economic necessity against the Red Flood" (p. 157)) or for the industrialists themselves (government coercion). In refutation, Ferencz arrays startling contemporary documentation to show that the initiative came from the industrialists, that they put pressure on the highest quarters to obtain these workers, that some took conducted tours through Auschwitz and other camps, and that for sheer managerial reasons, their willing cooperation was required.

However, he clinches his rebuttal by pointing out that the coercion argument was irrelevant. A dead Hitler could not terrorize anybody who paid some wages decades overdue. Furthermore, there were strictly civil law claims, against corporate entities: they were unanswerable, regardless of the criminal responsibility, if any, of individual corporation personnel.

The final outcome was meager. Very gradually, of the "hundreds of German firms that used concentration camp inmates," five major ones settled "for miserable pittance" (. X). By the end of 1973, when the Claims Conference gave up, 14,878 survivors in 42 countries (of the over 100,000 who had sought its help) had received a total of DM 51,936,095, on average DM 3,500 ($875), from payments made by I.G. Farben, Krupp, AEG-General Electric, Siemens, and Rhenmetall. Industrial giants that refused to the end to make any gesture included the

Friedrich Flick Conglomerate (Dynamite Nobel; Mercedes cars; etc.) owned by the world's fifth richest man, and the aircraft manufacturers Junkers, Messerschmidt, and Heinkel, for whom the prisoners had to work in underground caves, salt mines, and quarries under particularly gruesome conditions.

Both Ferencz and Taylor underscore that more disturbing than the

"stoneheartedness" was its justification: that the Auschwitz way of conducting war was not wrong. Not the horror, but the quality of the horror as horror, was denied. This approximates what the International Nuremberg Tribunal judgment castigated as the ultimate evil – a "total war" doctrine flouting even the most elementary rules of warfare. It would be a doubly bad omen in the nuclear age.

JOHN H. E. FRIED

[1] Report by Buchenwald's labor allocation chief, dated Jan. 6, 1945, Nuremberg Doc. NI-4185, reproduced in 6 TRIALS OF WAR CRIMINALS BEFORE THE NUERNBERG MILITARY TRIBUNALS (US v. Friedrich Flick et al.). pp. 759-67.